

USPTO FAX NO.: 703-746-3148

Attorney Docket No. 0103.12BUS

*Office of
50
12/2/02*

ATTENTION: Examiner Stephanie Zitomer
TELEPHONE NUMBER: 703-308-3985

119/B

OFFICIAL COMMUNICATION
FOR THE PERSONAL ATTENTION OF
EXAMINER STEPHANIE ZITOMER
CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following document in re Application of Phillip A. Patten, et al., Application No. 09/954,692, filed September 12, 2001 entitled METHODS AND COMPOSITIONS FOR POLYPEPTIDE ENGINEERING, is being transmitted to Group 1600 of the U.S. Patent and Trademark Office to facsimile phone number 703-746-3148 on the date shown below.

Documents Attached

1. Transmittal Form (1 page)
2. Second Preliminary Amendment (14 pages)
3. Fee Transmittal by Facsimile (1 page)

Number of pages being transmitted, including this page: 17 pages

Dated: December 2, 2002

Margaret A. Powers
Margaret A. Powers
Reg. No. 39,804

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY
RETURN FACSIMILE AT (650) 298-5446**

Maxygen, Inc.
515 Galveston Drive
Redwood City, CA 95063
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Please type a plus sign (+) inside this box →

Approved for use through 09/30/2000. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

17

Application Number	09/954,692
Filing Date	September 12, 2001
First Named Inventor	Phillip A. Patten
Group Art Unit	1645
Examiner Name	Stephanie Zitomer

Attorney Docket Number

0103.12BUS

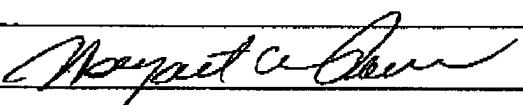
ENCLOSURES *(check all that apply)*

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i>	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i>
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) <i>(please identify below):</i>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Second Preliminary Amendment; Transmittal Form; Fee Transmittal Sheet
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Authorization to Charge Deposit Account
Please charge Deposit Account No. 50-0990 for any additional fees associated with this paper or during the pendency of this application, including any extension of time for consideration of the documents enclosed

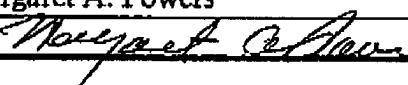
Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Margaret A. Powers, Reg. No. 39,804
Signature	
Date	December 2, 2002

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to Group 1600 of the United States Patent and Trademark Office, addressed to Assistant Commissioner for Patents, Washington DC 20231 on this date:

Typed or printed name	Margaret A. Powers		
Signature		Date	December 2, 2002

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FEE TRANSMITTAL

for FY 2002

*Patent fees are subject to annual revision.
Small Entity payments must be supported by a small entity statement,
otherwise large entity fees must be paid. See Forms PTO/SB-09-12.*

TOTAL AMOUNT OF PAYMENT (\$ **0.00**)

Complete If Known

Application Number	09/954,692
Filing Date	September 12, 2001
First Named Inventor	Phillip A. Patten
Examiner Name	Stephanie Zitomer
Group / Art Unit	1645
Attorney Docket No.	0103.12BUS

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number **50-0990**
Deposit Account Name **Maxygen, Inc.**

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

2. Payment Enclosed:
 Check Money Order Other

FEES CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity
Fee Fee Fee Fee Fee Description

Fee Code (\$)	Fee Code (\$)	Fee Paid
101 740	201 370	Utility filing fee
106 310	206 155	Design filing fee
107 480	207 240	Plant filing fee
108 690	208 345	Reissue filing fee
114 150	214 75	Provisional filing fee

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
19	20**	= 0	= 0
Independent Claims	4	- 3** = 0	= 0
Multiple Dependent		= 0	= 0

** or number previously paid, if greater; For Reissues, see below

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Fee Code (\$)	Fee Code (\$)	Fee Paid
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 78	209 39	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) **0.00**

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 65	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 300	220 150	Filing a brief in support of an appeal	
121 280	221 130	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 430	243 215	Design issue fee	
144 580	244 290	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 690	246 345	Filing a submission after final rejection (37 CFR 1.129(a))	
149 690	249 345	For each additional invention to be examined (37 CFR 1.129(b))	

Other fee (specify) _____

Other fee (specify) _____

Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **0.00**

Complete If Applicable

Typed or Printed Name	Margaret A. Powers		Reg. Number	39,804
Signature	<i>Margaret A. Powers</i>	Date	Dec. 2, 2002	Deposit Account User ID

I hereby certify that this correspondence is being transmitted by facsimile to Group 1600 of the United States Patent and Trademark Office on December 2, 2002 by:

Signature: *Margaret A. Powers* Date: December 2, 2002
Margaret A. Powers

I hereby certify that this correspondence is being transmitted by facsimile to Group 1600 of the United States Patent and Trademark Office, addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on this date:

December 2, 2002:

By: Margaret A. Powers

Attorney Docket No: 0103.12BUS

*Received 12-2-02
JG*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Phillip A. Patten, et al.

Examiner: Stephanie Zitomer

Application No.: 09/954,692

Art Unit: 1645

Application Filed: September 12, 2001

For: **METHODS AND COMPOSITIONS
FOR POLYPEPTIDE
ENGINEERING**

**SECOND PRELIMINARY
AMENDMENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir or Madam:

Please enter this Supplemental Preliminary Amendment in the above-referenced application. The following documents are enclosed herewith:

- 1) A marked up copy of the claims (Appendix A);
- 2) A courtesy copy of the pending claims (Appendix B);
- 3) A transmittal sheet; and
- 4) A fee transmittal sheet.

In the Claims:

Please cancel claims 274-277 without disclaimer or prejudice as to the subject matter claimed therein and without prejudice to subsequent renewal.

Please amend the claims by substituting the following claims for the corresponding previously pending claims of the same numbers: